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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,149	01/15/2004	Ji-Fan Hsing	AP4001-VRZ1BA03	3153

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EXAMINER

VANATTA, AMY B

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/757,149

Applicant(s)

HSING, JI-FAN

Examiner

Amy B. Vanatta

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "133", as mentioned on page 6, line 22. It appears that in Fig. 1 of the drawings, "13" should read as "133". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because of the following informalities: the specification refers to "unweave cloth". It is unclear what "unweave cloth" is. It appears that this is a grammatical error or erroneous translation, and that this term should read as "nonwoven cloth". Also, the specification contains grammatical errors which require

correction. For example, on page 2, line 12, "if the replacing layer being dirt" should read as "if the replacing layer is (or becomes) dirty".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 9, the term "unweave" cloth is confusing and renders the claim indefinite. It appears that this should read as "nonwoven" rather than "unweave".

In claim 1, line 10, the recitation "if the replacing layer being dirt" renders the claim indefinite since the language is confusing. It appears that this should read as "if the replacing layer is dirty" or "if the replacing layer becomes dirty".

In claim 3, line 2, "the slots" (plural) lacks antecedent basis and is confusing since only one slot was previously claimed. It appears that "the slots" should read as "the slot".

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Andrew et al (US 5,950,236).

Andrew et al disclose a supporting device for use during hair treatments, including a supporting plate (1) having a neck receiving hole with a slot at the lateral side of the hole (see Figs. 3, 7, 11, and 12). The supporting plate has a smooth surface and has tape thereon; see adhesive layer 29, col. 3, line 60- col. 4, line 22. The adhesive layer disclosed by Andrew has one face (the outer facing surface) which is sticky to collect hairs, and a bottom face adhering to the underlying surface upon which it is applied, thus forming “double face tape” as claimed. The tape is “tearable” from the supporting plate by removing a layer and discarding it (col. 4, lines 3-9). A replacing layer (31) is adhered above the double face tape as in claim 1; col. 3, line 60 through col. 4, line 9. The replacing layer (31) is removable when soiled, to expose the underlying layer which is ready for use. The replacing layer 31 is made of disposable material as in claim 1 (col. 3, line 65 though col. 4, line 9). The replacing layer has a receiving hole which is aligned with and coupled to the receiving hole of the supporting plate (see Figs. 9-12). The replacing layer has a size the same as that of the supporting pate (see Figs. 9-12), as in claim 2. The sides of the slots have strips (see Fig. 3 or Fig. 12) to seal the hole adjustably, as in claim 3. Andrew discloses that these strips may be Velcro hook and loop fasteners (col. 3, lines 23-24), which stick together and thus form “sticky strips” to the extent claimed, or may be adhesive strips 18 (col. 4, lines 29-31).

Regarding claim 4, the supporting plate 1 is made of material which is sufficiently flexible that it can be spread open to pull over the head (col. 3, lines 19-21), thus being capable of being folded if sufficient force is applied. Alternatively, the supporting plate is formed of material which is hinged at the shoulder as shown in Fig. 12, thus being “foldable” about the shoulder region, which is a central portion when viewed as shown in Fig. 12 (see col. 4, lines 28-36).

Regarding claim 5, as shown in Figs. 3 and 11, the replacing layer is longer at the front and rear than at the side where the slot is located, thus being “prolonged at a side [front and rear sides] opposite the side having the slot so as to fit the users having long hairs”.

Regarding claim 6, Andrew discloses that a separation layer 33 can be provided to cover the outward adhesive surface until ready for use (col. 4, lines 16-21). This layer 33 is an “isolating layer” as in claim 6.

Regarding claim 7, Andrew discloses in the embodiment of Fig. 16 that an additional layer 26 is suspended from the bottom of the supporting plate for use when treating very long hair. The replacing layer in Fig. 16 is formed by a first sub-layer on support 1 and a second sub-layer (26). The first sub-layer (on support 1) is adhered to the double face tape of the layers on support 1, and the second sub-layer overlaps the layers on support 1 at the bottom portion of support 1 (see Fig. 16) thus being adhered to these layers of tape at the bottom of the device and being suspended from the bottom of the supporting plate as shown in Fig. 16.


**Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy B. Vanatta whose telephone number is 571-272-4995. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on 571-272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Amy B Vanatta  
Primary Examiner  
Art Unit 3765